IN THE HIGH COURT OF UTTARANCHAL

AT NAINTIAL.

Criminal Misc. Application No. 80 of 2006

A.M. Joshi S/o Late Keshwa Nand Joshi
R/o C-4/3 Anand Residency Airport Road
Gova ....Applicant

Vs

1. State of Uttaranchal
2. Smt. Priyanka Juyal Joshi
   W/o Sri A.P. Juyal
   R/o 15 Gangotri Bihar Lane No. 1
   Nehru Gram Road
   Dehradun. ...Opp. Parties.

Sri Vinod Sharma, learned counsel for the applicant.
Sri Arvind Vashisth, learned counsel for the opposite party No. 2.
Sri Sudhir Sharma, learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicant – A.M. Joshi who is the father-in-law of the opposite party No. 2- Priyanka Juyal Joshi challenging the proceedings in Criminal Case No. 2322 of 2005 State Vs Rajeep Joshi & others under Sections 498-A, 323, 504 I.P.C. and 3/4 Dowry Prohibition Act pending in the court of Judicial Magistrate C.B.I., Dehradun.

2. Brief facts giving rise to this petition are that a complaint (F.I.R.) was lodged by the opposite party No. 2 against the applicant as well as his son for the offence under Sections 498-A, 323, 504 I.P.C. and 3/4 Dowry Prohibition Act. After institution of the case, the police investigated the matter and submitted the Chargesheet against the accused persons including the petitioner on 27.11.2005. The petitioner has thus filed this petition challenging the entire proceedings of the aforesaid criminal case.

3. Heard Sri Vinod Shama, learned counsel for the applicant/ petitioner, Sri Arvind Vashisth, learned counsel for the opposite party No. 2, learned A.G.A. and perused the record.

4. After having considered the arguments of the learned counsel for the petitioner, I am of the view that there is no abuse of process of the court in this case. I am not supposed to act as a trial judge in order to assess the evidence which are still incomplete and hazy. It is for the trial judge to appreciate the evidence, which is yet to lead by the parties concerned before him. While exercising the jurisdiction under Section 482 Cr.P.C., I am not supposed to pre-judge, the police papers and any discrepancies therein.

5. The allegations in the First Information Report and the material collected by the Investigating Officer during the investigation are referred in the chargesheet and the prima-facie case makes out the offence. I therefore, do not find any ground for quashing the criminal proceedings at this stage.

6. Therefore, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition is dismissed. Stay order dated 07.02.2005 granted by this Court stands vacated.

(B.C. Kandpal, J.)

Dated: 26-07-2006
ISB